

Italia TV, Inc.
Box 516
Steele, Alabama 35987

Commissioner Quello
Federal Communications Commission
1919 "M" Street, N.W. Room 802, Stop Code 0106
Washington, D.C. 20554

May 6, 1995

Request That 800 MHz SMR Not Become Nextel's Monopoly

Dear Commissioner Quello:

I must ask you to contact the FCC for me and ask them not to retroactively revoke my SMR licenses, as my attorneys and engineers now advise that the FCC, in effect, plans to do, resulting in a monopoly for Nextel.

Apparently, the FCC is about to give Nextel the option of buying every MTA for a pittance (as no one else has enough channels in them to do channels swaps with existing licensees, like me) and then to force existing licensees to accept whatever channels Nextel will swap for them. This will leave me and many others with spectrum that will make it impossible for me and others to operate them on an interconnected basis, as I had planned and contracted to do with other licensees. Simply put, Nextel will be giving me channels that may be similar but different from the channels that I have, which will transmit differently from different transmitter sites. This seems so unfair and likely illegal. It seems to be the FCC's way of picking a few more auction dollars while giving Nextel a virtually certain monopoly in 800 MHz SMR.

The FCC should not to take any such action, as many SMR licensees like me have relied in good faith on the FCC's long standing SMR rules, and have spent considerable time and money researching markets, obtaining FCC licenses, slow growth authorizations, and affiliating with others who have similar plans.

I can't understand why the FCC didn't announce its plans to do this long ago, rather than inducing me and many others to rely on the FCC's Rules and policy statements. Isn't it time for the Clinton-FCC to do something that favors the little guy, instead of the big-buck monopolists?

Sincerely,
/S/

Joel D. Barnes

JBTU, Inc.
P.O. Box 11627, Aspen, CO. 81612

May 3, 1995

**The Honorable Andrew C. Barrett
Federal Communications Commission
1919 "M" Street, N.W. Room 826, Stop Code 0103
Washington, D.C. 20554**

800 MHz SMR Auctions and License Relocations

Dear Commissioner Barrett:

I am told that the FCC now plans to effectively turn over the 800 MHz SMR industry to Nextel by auctioning the "remaining" SMR licenses via "wide-area auctions" and then forcing existing SMR licensees to "relocate" to other frequencies.

Our attorneys and engineers advise that there aren't enough frequencies unlicensed to do this and, even worse, that there aren't enough frequencies for us to relocate – particularly considering the fact that we have entered into agreements to have our channels operated with those of other licensees as part of a wide area system.

Therefore, the planned SMR auctions and relocations will effectively revoke our existing SMR licenses and give Nextel a monopoly, as it is the only entity with enough channels to "accommodate" channel substitutions. If that isn't a stacked deck to create a monopolist, I've never heard one!

Please don't impose mandatory relocations on the little SMR licensees.

Sincerely,

/s/

Jack T. Barnes

JBTV, Inc.
P.O. Box 11627, Aspen, CO. 81612

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**The Honorable Rachelle B. Chong
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1919 "M" Street, N.W. Room 844, Stop Code 0103
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MTI (U.S.), Inc.
1627 Eye Street, N.W.
Washington, D.C. 20006

May 4, 1995

The Honorable Susan P. Ness
Federal Communications Commission
1919 "M" Street, N.W. Room 832, Stop Code 0104
Washington, D.C. 20554

Re: FCC Proposal to Create A Monopoly in 800 MHz SMR

Dear Commissioner Ness:

For the past two years, MTI, Inc. has been engineering a wide-area SMR system, applying for 800 MHz SMR licenses, seeking others with similar plans and entering agreements with same, obtaining slow growth authorizations, and taking such other steps as might be necessary to create a wide-area SMR system. At this point, MTI has a huge investment in this effort, has the necessary SMR licenses in hand, and is now ready to build and operate.

The FCC has announced a plan to auction wide-area SMR licenses, but there are virtually no remaining licenses to auction and to then mandate relocation of the already-licensed channels of MTI and many other hapless licensees, who have invested so much time, effort and money in readying themselves to supply just such service. This belated betrayal of existing licensees effectively hands Nextel a monopoly in 800 MHz SMR, because only Nextel has enough channels to forcibly relocate smaller SMR operators. Further, allowing Nextel to pick and choose channels for existing licensees will change the footprint of those moved, as different channels transmitting from the same sites must have different propagation characteristics.

Any such illegal auctions and relocations will surely be set aside by the courts, and the litigation will cast clouds over the titles to the SMR channels for years, preventing anyone from using them.

The FCC should find other spectrum to auction and should, in no event, attempt to relocate existing licensees, virtually assuring a Nextel monopoly.

Respectfully submitted,
/s/

Charles M. Bruce
Attorney-Owner of MTI, Inc.

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O'Neil TV, Inc.
151 E. 83rd, Ste. 6H
New York, N.Y. 10028

May 5, 1995

The Honorable Andrew C. Barrett
Federal Communications Commission
1919 "M" Street, N.W. Room 826, Stop Code 0103
Washington, D.C. 20554

The FCC's Relocation of Licensed 800 MHz SMR Channels

Dear Commissioner Barrett:

As a prior cellular system group owner and as a current licensee of multiple 800 MHz SMR licenses, I must now ask you to contact the FCC for me and to urge them not to indirectly take away my SMR licenses. The background follows.

I have just been advised that the FCC is contemplating auctioning 800 MHz SMR spectrum that has already been licensed to me and others and forcing existing licensees to relocate to different channels. None of us, except Nextel, has enough channels to hold our territories; so, Nextel will force us into different markets and footprints, giving Nextel de facto control of the entire 800 MHz SMR band.

Put simply, unless all of my channels can be relocated in a way that does not disrupt our planned wide-area system, any such substituted channels will likely be worthless to me (and perhaps to anyone except Nextel). The FCC is effectively making me a pawn of Nextel. In any event, I have spent the past several years working with attorneys and engineers to apply for and receive my SMR channels, to enter into a joint venture arrangement with many other SMR licensees, to locate a management firm to oversee the combined operations, to obtain slow growth approvals, etc. At this point, the FCC's planned SMR auctions and resultant relocation of my channels to strip me of the value of my licenses.

I have proceeded in good faith in all of the above efforts. It simply can't be right for the FCC to effectively rescind my licenses and property rights now, much less to give Nextel a monopoly.

Sincerely yours,
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Request That Nextel Not Be Given A Monopoly in 800 MHz SMR

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I am told that the FCC is now planning some very unfair and illegal actions. As a prior cellular system owner and a current owner of SMR licenses in numerous markets, I must protest the FCC's plan to relocate, or otherwise revoke, my SMR licenses, by auctioning the channels that I hold and then forcing me to relocate to channels of Nextel's choosing, giving Nextel a death-grip on the entire industry.

Further, the already-licensed SMR spectrum that the FCC would now sell is so tiny that it won't bring enough dollars to justify the auction, not to mention the litigation that must follow from small SMR firms, who have spent a great deal of time and money developing a wide area SMR footprint for themselves and others.

The FCC's SMR auctions and relocations (revocations) would be unwarranted, grossly unfair and illegal. Please don't do it. Thanks so much.

Respectfully submitted,

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Respectfully submitted,

/s/

Roy J. Murphy

Tenth Street TV, Inc.
3201-R Westbury Lake Drive, Charlotte, N.C. 28269
May 4, 1995

The Honorable Andrew C. Barrett
Federal Communications Commission
1919 "M" Street, N.W. Room 826, Stop Code 0103
Washington, D.C. 20554

Re: 800 MHz SMR License Recisions

Dear Commissioner Barrett:

As an owner of 800 MHz SMR licenses in many markets, I must protest the FCC's plan to relocate existing SMR licensees, because it amounts to a recision of those licenses, because there aren't enough alternative channels and a piecemeal relocation will totally destroy the ability of existing licensees to operate their own wide-area systems, by completing the in-process interconnection of their channels with channels in other markets where they (or their co-managed licensees) have SMR channels. Mandatory relocations will serve only to make Nextel "The" monopolist in 800 MHz SMR; surely that can't be in the public interest.

Such relocations will violate the Constitution, the Communications Act, the Budget Act and the FCC's own Rules, and the courts aren't likely to sustain such rough shod treatment of existing licensees. The appeals will surely take years and will delay the implementation of any service on those SMR channels indefinitely, as who will want to finance such legally uncertain ownership of channels.

It is simply way too late for the FCC to be undoing in SMR what it has done and encouraged for years.

I respectfully urge the FCC not to mandate relocation of the channels of existing SMR licensees.

Respectfully submitted,

/s/

Christine Metekis

Tenth Street TV, Inc.
3201-R Westbury Lake Drive, Charlotte, N.C. 28269
May 4, 1995

The Honorable Rachelle B. Chong
Federal Communications Commission
1919 "M" Street, N.W. Room 844, Stop Code 0103
Washington, D.C. 20554

Re: 800 MHz SMR License Recisions

Dear Commissioner Chong:

As an owner of 800 MHz SMR licenses in many markets, I must protest the FCC's plan to relocate existing SMR licensees, because it amounts to a recision of those licenses, because there aren't enough alternative channels and a piecemeal relocation will totally destroy the ability of existing licensees to operate their own wide-area systems, by completing the in-process interconnection of their channels with channels in other markets where they (or their co-managed licensees) have SMR channels. Mandatory relocations will serve only to make Nextel "The" monopolist in 800 MHz SMR; surely that can't be in the public interest.

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Respectfully submitted,

/s/

Christine Metekis

Tenth Street TV, Inc.
3201-R Westbury Lake Drive, Charlotte, N.C. 28269
May 4, 1995

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 "M" Street, N.W. Room 814, Stop Code 0101
Washington, D.C. 20554

Re: 800 MHz SMR License Recisions

Dear Chairman Hundt:

As an owner of 800 MHz SMR licenses in many markets, I must protest the FCC's plan to relocate existing SMR licensees, because it amounts to a recision of those licenses, because there aren't enough alternative channels and a piecemeal relocation will totally destroy the ability of existing licensees to operate their own wide-area systems, by completing the in-process interconnection of their channels with channels in other markets where they (or their co-managed licensees) have SMR channels. Mandatory relocations will serve only to make Nextel "The" monopolist in 800 MHz SMR; surely that can't be in the public interest.

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I respectfully urge the FCC not to mandate relocation of the channels of existing SMR licensees.

Respectfully submitted,

/s/

Christine Metekis

Tenth Street TV, Inc.
3201-R Westbury Lake Drive, Charlotte, N.C. 28269
May 4, 1995

The Honorable Susan P. Ness
Federal Communications Commission
1919 "M" Street, N.W. Room 832, Stop Code 0104
Washington, D.C. 20554

Re: 800 MHz SMR License Recisions

Dear Commissioner Ness:

As an owner of 800 MHz SMR licenses in many markets, I must protest the FCC's plan to relocate existing SMR licensees, because it amounts to a recision of those licenses, because there aren't enough alternative channels and a piecemeal relocation will totally destroy the ability of existing licensees to operate their own wide-area systems, by completing the in-process interconnection of their channels with channels in other markets where they (or their co-managed licensees) have SMR channels. Mandatory relocations will serve only to make Nextel "The" monopolist in 800 MHz SMR; surely that can't be in the public interest.

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Respectfully submitted,
/s/

Christine Metekis